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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,922	02/09/2001	Omar M. Buazza	5040-04207	9323

7590 05/01/2003

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EXAMINER

JARRETT, RYAN A

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/780,922	Applicant(s) BUAZZA ET AL.	
	Examiner Ryan A. Jarrett	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 278-286, 288-292 and 443 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 278-286, 288-292 and 443 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8, 10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant has amended independent claim 278 to include the limitation of former dependent claim 287, however, this does not overcome the patentability rejection. EP 0318164 is replete with information concerning curing unit parameter control. One example of using prescription information to control curing parameters can be found on pg. 6 lines 38-58. Here, the lens tinting (a prescription parameter) is controlled by varying the curing solutions, times, and temperatures. There are several other examples of this feature in EP 0318164. Additionally, it is well known in the art that different lens prescriptions require different curing conditions.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 278-284, 288-292, and 443 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0318164 A2 (provided by Applicant). EP 0318164 discloses a computer software program for determining a front mold, a back mold and a gasket which together produce a mold cavity, the mold cavity being configured to hold a lens forming composition, wherein the lens forming composition is curable by activating light to produce an eyeglass lens having a predetermined prescription and wherein the software program comprises a plurality of instructions configured to perform operations

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comprising: analyzing prescription information to determine the front mold, the back mold, and the gasket for producing the eyeglass lens (pg. 4 lines 1-25 and lines 35-41); and determining curing conditions for a lens based on the eyeglass prescription (pg. 6 lines 38-58, pg. 12 lines 29-35);

wherein the prescription information comprises a sphere power, a cylinder power, and a lens location; wherein the prescription information comprises a sphere power, a cylinder power and a lens location, and wherein the prescription information is analyzed by correlating the sphere power, cylinder power and the lens location to a record in an information database; wherein the prescription information further comprises monomer type (inherent) and lens type; wherein the prescription information comprises a sphere power, a cylinder power, an add power and a lens location; wherein the prescription information comprises a sphere power, a cylinder power, an add power, and a lens location and wherein the prescription information is analyzed by correlating the sphere power, the cylinder power, the add power, and the lens location to a record in an information database (pg. 12 lines 52-58, Fig. 17A);

wherein the operations further comprise: controlling a lens curing unit, the lens curing unit being configured to cure the lens forming composition, wherein controlling the lens curing unit comprises operating the lens curing unit such that the curing conditions are produced (pg. 6 lines 38-58, pg. 12 lines 29-35);

wherein the operations further comprise controlling a coating unit, the coating unit being configured to cure the lens forming composition (pg. 9 lines 50-58, pg. 14 lines 32-44);

wherein the operations further comprise allowing the eyeglass prescription to be altered after the eyeglass prescription is collected (pg. 12 lines 52-58, pg. 13 lines 1-9).

wherein the operations further comprise storing the eyeglass prescription on a computer readable media (pg. 12 lines 52-58, pg. 13 lines 1-9);

collecting prescription information which defines the eyeglass prescription (pg. 4 lines 17-20);

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 285-286 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0318164 A2. EP 0318164 A2 does not disclose that the front mold identification marking comprises an alphanumeric sequence, and that the back mold identification marking comprises an alphanumeric sequence, and that the gasket identification marking comprises an alphanumeric sequence; wherein the operations further comprise producing a visual display of the front mold identification marking, the back mold identification marking, and the gasket identification marking subsequent to analyzing the prescription data.

However, EP 0318164 A2 does disclose that the front mold identification marking comprises a barcode, and that the back mold identification marking comprises a bar code, and that the gasket identification marking comprises a bar code (pg. 4 lines 35-

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41). EP 0318164 A2 also discloses a visual display means for indicating which gasket and mold are required for a given prescription (pg. 4 lines 9-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mark the molds and gaskets of EP 0318164 A2 with an alphanumeric sequence and to visually display this number subsequent to analyzing the prescription data because EP 0318164 A2 discloses marking the molds and gaskets with a barcode, which is functionally equivalent to marking the molds and gaskets with an alphanumeric sequence, and EP 0318164 A2 also discloses visually displaying the selected molds and gaskets, which is functionally equivalent to displaying the alphanumeric sequence of the molds and gaskets.

Conclusion

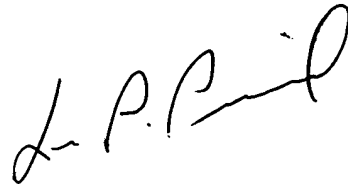
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



raj
April 27, 2003

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100